

Consultation on change to release point for short-term prisoners

Scottish Government Consultation 2026

Victim Support Scotland is a national organisation dedicated to supporting victims and witnesses of crime. As Scotland's largest victims' organisation, people impacted by crime have access to our services right across the country. We are a listening ear when people need to talk to someone about the impact of crime, we provide practical support such as when people need a safety plan to feel secure in their home and we give access to critical crime-related emergency funds in their time of need.

We play a crucial role in delivering victim-centred support, and this in turn drives our forceful and successful lobbying and campaigning for change within the criminal justice system. As an organisation rooted in the experiences of victims and witnesses, we aim to ensure that their voices are central to the development of policy and practice.

Background: [Short-term prisoner release point: responses to targeted consultation - gov.scot](https://gov.scot)

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

Answer:

As Scotland's national charity supporting victims and witnesses of crime, we are extremely concerned at the proposed changes to the release point for certain short-term prisoners from 40% to 30%.

Whilst we acknowledge the challenge of overcrowding in Scotland's prisons, we have seen in recent reports that these repeated early release schemes have failed to achieve a meaningful and sustained reduction in Scotland's prison population - which brings into question why this same strategy continues to be pursued.

The Cabinet Secretary for Justice and Home Affairs stated that prison numbers remain stubbornly high at 8,301.

- In February 2025 (the month in which the Prisoners (Early Release) (Scotland) Act 2025 came into force), Scotland's prison population sat at 8,350.¹

¹ [Data, Research and Evidence | Scottish Prison Service](#)

- When looking at population numbers from across 2025, there was a slight reduction in numbers, however, by October 2025 Scotland's prison population hit an all-time high of 8,430.²
- There are currently eight jails at 'red risk status' with 15 others being close to their over-capacity tolerance.

Additionally, we raise concerns that the Scottish Government is moving ahead with early release schemes without the necessary reforms for victims being implemented first.

It is important to highlight the pace at which new legislation regarding automatic short term prisoner early release, as well as emergency early release, has been implemented. This is in stark comparison with the slow pace of reform benefitting victims.

Victims of crime and their families express anger and incredulity upon learning that the perpetrator in their case may be released early. These proposals will only serve to exacerbate these feelings.

We fear it will also further erode the trust and confidence in the criminal justice system, potentially fostering a feeling of 'what is the point?' amongst victims and their families.

Although the criteria for early release only applies to short term sentences, the impact of crime on victims, families and the wider community cannot be understated for any type of crime or subsequent sentence.

This will be particularly true for crimes such as culpable homicide, which can and have, carried sentences of 4 years or less. Whilst all crime types have the potential to be traumatising for victims and families, we wish to highlight this example as one that will be particularly difficult and traumatising.

Reducing the time in prison reduces the amount of time a perpetrator has to access and complete rehabilitation – something the Scottish Government states is needed to reduce reoffending.

Impact of previous early release schemes

Victim Support Scotland is aware of two families referred to our Support for Families Bereaved by Crime Service in 2025 and 2026 where families tell us the perpetrator was released early from prison.

² [Scotland's prison population hits record high - BBC News](#)

It is important to note, that this is information that we have received from a family's perspective, but we would not as a matter of course receive this additional context. VSS is unable to verify this, as rightly that information is not available to us. This highlights the confusing nature of all concurrent schemes. There may be additional cases where there have been further crimes committed after early release that we are unaware of, that have not resulted in a death.

These cases show there is a need for safeguarding and safety planning, robust risk assessment, meaningful data, and true impact of the schemes.

Previous Early Release Scheme Data

The reoffending rates from the release of prisoners during COVID was reported as 40%. We are concerned this will be replicated following these new proposals, leading to an increase in victims and/or re-victimisation.

Examples:

1. Following the first emergency early release in 2024, 57 out of the 477 (12%) prisoners released in June and July had been returned to custody by 18 September. 60% of this group re-entered prison within just 20 days of their emergency release. This highlights the need to completely re-think emergency release proposals. It also emphasises the need for adequate preparation, rehabilitation, and access to support services on release.
2. The available figures for the first group of prisoners released under the Prisoners (Early Release) (Scotland) Act 2025 in February and March 2025 show that 17 of the 311 released were returned to custody prior to their 'original' Earliest Date of Liberation (EDL).

As the Government continues with early release schemes, there must be more comparable reporting, clear data, and analysis of the impact of early release schemes, which includes reoffending rates. We would like to see:

- Comparisons between recidivism rates for prisoners who have been released early and the current baseline of recidivism rates
- Percentage of released prisoners returned to custody beyond their EDL
- Impact of release measures on individuals and communities
- Proportion of victims informed about the release of the prisoner in their case including consideration of people who are signed up to the Victim Notification Scheme, and significantly to include numbers and proportions of victims who are not.

There must also be more clarity provided to allow people to distinguish between early release due to changes to automatic release points changing and the Emergency Early Release Scheme. Currently, VSS feels that there is not a clear enough distinction between the two. This can cause added confusion and distress for victims who may think that an offender is being released under emergency early release when they are not, or vice versa.

Victim Support Scotland participates in weekly meetings regarding emergency early release. At these meetings, VSOs are encouraged to promote sign up to the VNS, which we willingly do. However, it is unclear whether this makes a positive impact, as proportionally and numerically victims being contacted about the release of the prisoner in their case remains low – generally around the 2% mark and less than 10 victims per tranche.

If VSOs are being asked to encourage sign up to the Victim Notification Scheme, it must be acknowledged that the independent review of the VNS was published in May 2023, nearly three years ago. Some changes, albeit not yet implemented, are included in the Victims, Witnesses, and Justice Reform Act 2025, yet there is a further consultation on the horizon this year. VSS argues that VNS reform is critical in informing victims, and priority has been given to reforms which benefit the prison estate only.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Answer:

Victim Support Scotland stresses that the exclusion of prisoners serving sentences for domestic abuse and sexual offences remains essential. Through our services we know that women are at risk of further abuse, and sometimes death, when offenders are released.

We are aware of a case in which a prisoner in custody for domestic abuse charges was released before having served 40% of their sentence. Therefore, although this safeguard appears to be in place, in reality, perpetrators of domestic abuse are being released earlier than the current automatic point. The individual affected has raised this with their local MSP.

We also seek assurances that prisoners with a Non-Harassment Order against them, or offences that are often linked to domestic abuse or sexual offences (such as stalking), continue to be ineligible for early release.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Answer:

To Victim Support Scotland's knowledge, this is the first time equivalent changes have been proposed for children in secure accommodation. We note SSI/277 in relation to YOIs,³ but, until now, there have been no indications that these changes would be applied to secure accommodation.

Given that the primary driver for changes to automatic early release and emergency early release is to ease overcrowding in prisons, VSS questions the rationale behind this proposal. VSS is not aware of overcrowding in secure accommodation, or any evidence to support this move. The lack of a clear rationale for this measure would further erode public confidence in the system, if it were to go ahead.

Detention of a child in secure accommodation is for the purpose and benefit of correcting behaviour and deviation from further offending. Therefore, can assurances be provided interventions provided through secure accommodation can be fully implemented and create positive outcomes for child perpetrators, if the detention is reduced due to 'overcrowding.'

It must be noted that victims' rights in respect of many parts of the criminal justice system differ greatly when the perpetrator is a child compared to when there is an adult perpetrator. We make this point particularly in relation to what victims can and cannot do and what information they are entitled to. However, the impact on a victim and their family remains the same, no matter the age of the perpetrator.

Open communication is therefore critical to a victims' experience of early release – this is essential in the context of secure accommodation (relating to this question) and the young offender and adult criminal justice/prison system more widely. Given that the provision of information sharing differs significantly depending on whether the perpetrator is a child, young person or an adult, it is essential that victims in such cases can and do access all they are entitled to.

VSS is currently developing a model to address the information needs of victims in cases where there is a child perpetrator. This is due to changes brought in through the Children (Care and Justice) Act 2024, which changed legislation in relation to 16- and 17-year-olds who commit offences.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

Answer:

Victim Support Scotland questions why these two offences have been specifically highlighted. The measures proposed are based on a straight-line approach to time served in prison. These crime types are not excluded from the scheme.

We seek clarity on how these two offences would differ from a prisoner serving less than four years for any other offence – fine defaults and contempt of court are not victimless crimes.

However, it may be that this eligibility could be assessed based on the severity of the crime and the level of fine.

To clarify, VSS does not support the release of prisoners serving sentences for these crime types who are on bail or connected to any of the excluded crime types.

Question 5: What are your views on the proposed transitional approach to initial releases?

Answer:

Victim Support Scotland feels that the transitional approach to initial releases is sensible.

It makes sense to delay the release of prisoners who will be immediately eligible for early release at 30% of sentence served, until after the final tranche of emergency early release concludes. Phased, transitional release is an appropriate and proportionate approach.

Releasing everyone eligible in one group would put undue pressure on support services, including victim support organisations.

Question 6: Do you have any other comments?

Answer:

A holistic approach

Victim Support Scotland highlights that the topic of early release, and the issues raised by it, do not exist separately to other areas within the justice system. The issues we raise later in the answer to this question are inextricably linked and should therefore be

considered and analysed in conjunction with one another to build the fullest of pictures and produce detailed and accurate responses.

Taking a compartmentalised approach to overcrowding in prisons and early release, separate to these other issues risks missing critical aspects that will negatively impact all involved.

From a victim's perspective, any change to the criminal justice system and processes must be looked at in conjunction with one another. Recently, reform plans have included:

- The passage of the Victims, Witnesses and Justice Reform (Scotland) Act 2025
- The passage of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025
- Voices in Justice: Parole Reform in Scotland Consultation
- The future of secure care and the single point of contact (SPOC) for victims in the Children's Hearings System Consultation
- Undertaking domestic homicide and suicide reviews: draft statutory guidance consultation
- The Report by the Sentencing and Penal Policy Commission
- Victim Notification Scheme Reform

Many of the reforms outlined above have had, or will have had, extensive timelines and still require a significant volume of SSIs to enact the changes. This is in contrast with the expedited nature of early release schemes has created a sense of de-prioritisation of victims.

Automatic Early Release alongside Emergency Early Release

Although automatic early release and emergency prison release are being looked at separately, it is very challenging for victims of crime to see these as separate schemes. Additionally and confusingly, the Governor's veto applies to one scheme but not the other.

VNS Reform

Victim Support Scotland has consistently advocated for the swift implementation of the reforms to the Victim Notification Scheme outlined in the 2023 Independent Review. These reforms are essential in ensuring that victims and their families have access to the information they require to feel safe and informed

Victim Support Scotland cautions that victims continue to be at risk of not being informed about a prisoner's release eligibility, parole eligibility, or offered support, if they are not currently signed up to the Victim Notification Scheme.

Current uptake of the VNS remains low and whilst we appreciate that victims who are signed up are contacted through the details available, it remains that the majority of victims who are eligible to be signed up are not informed. Therefore, the changes recommended for the Victim Notification Scheme made over three years ago are critical.

Ends.